

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**EUGENE LYNN, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF THE ESTATE
OF ELIZABETH WELSH, DECEASED,**

Plaintiff,

v.

No. 12cv0717 MV/LAM

**BOARD OF COUNTY COMMISSIONERS OF
GRANT COUNTY, NEW MEXICO, et al.,**

Defendants.

**ORDER DENYING WITHOUT PREJUDICE
MOTION TO WITHDRAW**

THIS MATTER is before the Court on Plaintiff's *Motion to Withdraw* (Doc. 27), filed May 16, 2013. The motion asks the Court to allow the withdrawal of Plaintiff's attorney, Peter A. Keys, and states that Plaintiff consents to his withdrawal. Having considered the motion, record of the case, and relevant law, the Court **FINDS** that this motion is not well-taken and shall be **DENIED without prejudice** because it fails to comply with the Court's local rules.

As explained in Local Rule 83.8, a motion to withdraw as counsel must indicate both consent of the client *and* either (1) notice of appointment of a substitute attorney, (2) or a statement of the client's intention to appear *pro se* and the client's address and telephone number. *See* D.N.M. LR-Civ. 83.8(a). This motion fails to notice the appointment of a substitute attorney for Plaintiff or his intention to appear *pro se*. While Plaintiff submitted to the undersigned a proposed order providing Plaintiff's "last known mailing address" and stating that Plaintiff "will be considered *pro se* if new counsel is not retained within 20 days," this does not comply with Local Rule 83.8

because it does not indicate that Plaintiff intends to appear *pro se* during those 20 days, and it does not provide Plaintiff's telephone number. Plaintiff cannot be left without counsel for 20 days for the obvious reasons that his interests will not be protected or represented in discovery or other matters, and he will not be notified of hearings or of documents filed in this case. If Plaintiff wishes to proceed *pro se* for those 20 days, Mr. Keys must comply with the rules and provide notification of this intent and provide the Court with Plaintiff's current address and telephone number so that he can continue to receive notices of all pleadings filed in this case.

IT IS THEREFORE ORDERED that, for the reasons stated above, Plaintiff's *Motion to Withdraw* (Doc. 27) is **DENIED without prejudice**.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE